

Revised by Ward Winton

TOWN OF BASS LAKE, SAWYER COUNTY
ORDINANCE REGARDING ALL PUBLIC ACCESSES IN BASS LAKE INCLUDING THE
PUBLIC ACCESS STRIPS LOCATED IN THE NORTHWOODS BEACH SUBDIVISION
NO. 2016 –XX-XX-4

SECTION 1. PURPOSE

The purpose of this Ordinance is to provide rules and regulations for use and conduct on all public accesses including in the public access strips on Grindstone Lake and Lac Courte Oreilles Lake in the Town of Bass Lake under the Village Power provisions of Sections 60.22 and 61.34, Wisconsin Statutes.

SECTION 2. INTENT

The intent of the ordinance is to protect the shoreline and the public interest in sensitive areas on all public accesses including along the shores of Grindstone Lake and Lac Courte Oreilles Lake dedicated to the public by plats in 1925, 1926, and 1927. The intent of the Town is to protect the shoreline and the public interest in these sensitive areas through the management of vegetative cover and man-made alterations. The management of trees and vegetative cover is extremely important in anchoring the slope to protect the natural repose. The management of any man-made alterations to the natural environment shall provide additional protection against the decline of the shorelines, lakes, and vegetative cover.

SECTION 3. DEFINITION OF PUBLIC ACCESSES IN THE TOWN OF BASS LAKE

The “public accesses” are those public lands which extend from a road to the waters edge of a body of water within the Town of Bass Lake, and which provide access of the public to the body of water. Some of the Public Accesses have been developed by the Town for the purposes of launching boats or watercraft, and for other purposes by the Town. The Town reserves the right to designate the public accesses for other uses and to develop them for those uses such as parks or picnic areas.

SECTION 4. DEFINITION OF AND LOCATION OF PUBLIC ACCESS STRIPS IN NORTHWOODS BEACH

The “public access strips” are the public lands located between the water’s edge of Grindstone Lake and Lac Courte Oreilles Lake and the platted lot lines of the following described lots located in the Northwoods Beach Subdivision adjacent to said Grindstone Lake and Lac Courte Oreilles Lake, Sawyer County, Wisconsin, as are more specifically shown on the Plat of the Northwoods Beach Subdivision, and are as follows, to wit:

- Lots 1-16, Block 1, Community Beach
- Lots 1-16, Block 1, Dixon Beach
- Lots 1-13, 1A-4A, Block 1, Rockford Beach
- Lots 1-13, Block 1, Janesville Beach, Lots 1-9, Block 18, Janesville Beach
- Lots 1-23, Block 1, Malar Beach
- Lots 1-25, and 27, Block 1, Abendpost Beach
- Lots 1-19, Block 5, First Addition to Abendpost Beach
- Lots 1-14, Block 13, First Addition to Abendpost Beach
- Lots 1-20, Block 14, First Addition to Abendpost Beach
- Lots 1-6, Block 18, First Addition to Abendpost Beach

- Lots 1-21, Block 22, First Addition to Abendpost Beach
- Lots 1-20, Block 23, First Addition to Abendpost Beach

The plat of the public access strips located in the Northwoods Beach subdivision dedicated to the public by plats in 1925, 1926, and 1927 may be obtained from the Office of the Sawyer County Register of Deeds.

SECTION 5. CONDITIONS OF USE

- A) Except as authorized under this ordinance, no items shall be placed either temporarily or permanently within any portion of the public accesses or the public access strips. Such items may include, but are not limited to: permanent structures, sheds, fences, propane tanks, decks, wood piles. Items which have been placed in the public access strips shall be required to be removed. The time for removal of the items shall be divided into 3 categories: Immediate Items, Short Term Items, and Long Term Items. (see Attachment A). Timing of removal is dependent on category into which the item falls, and shall be at the discretion of the Town of Bass Lake Board.
- B) The cutting/removal of any trees or vegetation within the Public Accesses and within the Public Access Strips is prohibited unless approved, in writing, by the Town of Bass Lake Board. With the Town of Bass Lake, Sawyer County, Wisconsin being the legal property owner, the Town of Bass Lake Board decisions for cutting/removal of any trees or vegetation shall follow applicable State of Wisconsin shoreline regulations, and shall conform and abide with the provisions of the "Sawyer County Zoning Shoreland-Wetland Protection Ordinance" in effect September 20, 2012.
- C) The attention of the public and of landowners owning property in the Town of Bass Lake which adjoins the Public Access Strips is called to the following which may affect development of their real estate:
- a The Sawyer County Zoning Shoreland-Wetland Protection Ordinance in effect September 20, 2012 and as amended, and the Sawyer County Zoning Ordinance as a whole, including but not limited to Section 17.1, Buffer Zone/Shoreline Vegetation Regulation, the impervious regulations, Section 21.2 of the Sawyer County Shoreline Zoning Ordinance in effect September 20, 2012, and Section 14.7 of the Sawyer County Shoreline Zoning Ordinance in effect September 20, 2012, which establishes setback requirements for lots which are adjacent to the Public Access Strips .
 - b Wisconsin Statutes Chapter 30 and Chapter NR326 of the Wisconsin Administrative Code and DNR Publication FH017 "Pier Planner", published August 2012, which affects placement and use of piers and boat moorings.
- D) With the Town of Bass Lake, Sawyer County, Wisconsin, as the Town of Bass Lake is the property owner of the Public Access Strips, the Town of Bass Lake's conditions of use which the town may, from time to time establish, for stairways, walkways, lifts, fences, and retaining walls which the town may allow to remain for a period of time upon the Public Access Strips, shall conform with the "Sawyer County Zoning Shoreland-Wetland Protection Ordinance" in effect September 20, 2012 and with the special Buffer Zone provisions , if the latter are applicable.
- E) No camping is allowed in the public accesses and in the public access strips.

SECTION 6. AGREEMENTS

A) In order to provide for a method of and the timing for removing encroaching obstructions and items placed on the public reserve strips owned by the Town of Bass Lake, the Town may enter into a system of reaching agreements with Landowners affected by this ordinance who have in the past, placed obstructions and items upon the public access strip immediately adjacent to their lands.

B) The agreement reached by the Town and the Landowner shall constitute a binding agreement between the Town and the landowner, and the landowner's heirs, successors, and assigns. It shall identify the item located on the public reserve strip as falling into one of the categories set forth in Attachment "A". Depending on the category into which the item falls, the town and the landowner may reach different agreements affecting whether the item is to be removed (as in the case of landscaping on a steep bank which may be beneficial to preventing erosion of the land) or, in the alternative, at the other extreme, items which are to be removed as soon as possible, such as propane tanks and junk piles. The agreement may also reflect different times in which the landowner is to remove the item, depending on the category into which the item falls and depending upon any other factors which the Town deems to be appropriate in a case-by-case analysis.

C) The agreement shall identify the amount of time the landowner shall have in which to remove the item, or repair the item, as the case may be, and if necessary, the method by which the item shall be removed and shall contain any other provisions which shall be appropriate determined by the nature of the item and other factors governing its removal.

D. Under Sections 4 and 6 of this ordinance, the Town has the authority to mandate and order the removal of an item, the timing of the removal and any other conditions of the removal of the item in the event of a failure of the Town and the Landowner to reach an agreement affecting the item.

E. The failure of the Landowner to comply with the terms and conditions of the agreement which has been entered into by the Town and the Landowner shall constitute a violation of this ordinance, subjecting the landowner to the penalties set forth below.

SECTION 7. ENFORCEMENT

A. The Town Chairperson or his/her designee, shall enforce the provisions of this ordinance.

B. When informed of an alleged violation of this ordinance, the Town, through its Chairperson or his/her designee, shall investigate. In the event that the Chairperson or the designee determines that there is cause to believe that a violation of this ordinance has occurred, the Chairperson or designee shall first issue a verbal warning that a continuing violation of the ordinance may subject the alleged violator to a citation and to a

restraining order to enjoin the violation. In the event that either the alleged violator cannot be found in order for the issuance of a verbal warning, or in the event that the violation continues after a verbal warning has been issued, the Chairperson or designee shall issue a written warning that a continuing violation of the ordinance may subject the alleged violator to a citation and to a restraining order to enjoin the violation. In the event that the alleged violation has not ended within a reasonable time, but no longer than ten (10) days following the issuance of a written warning, the Chairperson or designee may issue a citation alleging violation of this ordinance.

C. Notwithstanding the provisions of paragraph "B" above, in the event that the Town, through its Chairperson or his/her designee shall believe that a substantial and serious violation of this ordinance has occurred, the Chairperson or designee may immediately issue a citation and shall not be required to issue verbal or written warnings.

SECTION 8. PENALTY

A) Any person, firm, association or corporation violating any provisions of this ordinance shall be fined not less than Fifty Dollars (\$50.00) nor more than One Thousand Dollars (1,000.00), together with court costs and court assessments and reasonable attorney fees for the prosecution of alleged violations of this ordinance for a first offense.

B) Any person, firm, association or corporation violating any provisions of this ordinance as an alleged second offense within one (1) year from the date of the last violation, shall be fined not less than One Hundred Dollars (\$100.00) nor more than One Thousand Five Hundred Dollars (\$1,500.00) plus court costs and court assessments and reasonable attorney fees for the prosecution of alleged violations of this ordinance for a second offense within one year.

C) Any person, firm, association or corporation violating any provisions of this ordinance as an alleged third offense within one (1) year from the date of the first violation, shall be fined not less than Two Hundred Dollars (\$200.00) nor more than Two Thousand Dollars (\$2,000.00) plus court costs and court assessments and reasonable attorney fees for the prosecution of alleged violations of this ordinance for a third offense within one year.

D) A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

E) In the event that a person is found to have violated the provisions of this ordinance, the Town may seek an Order of the Sawyer County Circuit Court requiring removal of items or improvements or constructions in violation of this ordinance together with restoration of the location where the violation occurred to the condition which it was in prior to the placement of the item or improvement or construction upon the location at the cost of the violator. The Town shall also recover from the violator the cost of removal of the items, improvements, or constructions and the cost of remediation and restoration of the area.

F) In addition to the penalties stated herein, the Town Chairperson or designee may institute appropriate action to seek to enjoin violations of this ordinance in addition to any of the other penalties or remedies stated herein, including but not limited to application to the Sawyer County Circuit Court for an injunction requiring the violator to refrain from certain actions or to require the violator to perform certain actions.

G) In addition to the penalties and remedies set forth in this section, the Town, through its Town Chairman or designee may issue an order denying access to a violator to the public access strip for a period of not less than one year for any conviction of a violation of this Ordinance.

SECTION 9. CITATION

A) With respect to the Town of Bass Lake, issuance of Citations under Section 66.119 of the Wisconsin Statutes is hereby authorized. Section 66.119 is hereby incorporated in total by reference, including the citation form requirements.

B) The Clerk of Circuit Court, Sawyer County, Wisconsin, shall have authority to accept cash deposits for forfeitures and/or bond pursuant to the schedule as ordered by the Circuit Court for Sawyer County:

1. First alleged offense: \$50.00 plus court costs and court assessments.
2. Second alleged offense (within 1 year); \$100 plus court costs and court assessments.
3. Third alleged offense (within 1 year): \$200 plus court costs and court assessments.

SECTION 10. SEVERABILITY

Shall any portion of this Ordinance be declared invalid by court action, the Ordinance as a whole and all remaining portions shall remain valid and in full force and effect.

This Ordinance shall be effective upon publication or posting by the Town of Bass Lake Clerk as required, pursuant to Wisconsin Statute §60.80.

Adopted this _____ day of _____, 2016.

By the Town Board of the Town of Bass Lake, Sawyer County, Wisconsin.

Town Chairperson, Justin Hall

Town Supervisor, Ralph Meixner

Town Supervisor, Brian Bisonette

Town Supervisor, Joel Valentin

Town Supervisor, Doug Mrotek

Attested:

Town Clerk, Erica Warshawsky

Attachment A

A. Immediate Items

Fences
Home Firewood
Trash
Junk
Debris
Tires
Boats
Trailers
Cars
Drain Tile (DNR Violation)
Concrete Block Column
LP Tanks
Holding Tanks
Satellite Dishes

B. Short Term Items

Fire Pits
Swings
Walkways
Benches
Flag Poles
Landscaping (not large rocks)
View Sheds (can't rebuild)
Hammocks
Bell on Pole
Patios
Picnic Tables
Chairs

C. Long Term Items

Boat Houses
Decks
Sheds
Houses
Deck Steps
Stairs
Pump Houses
Wells
Septic
Irrigation
Chair Lifts